

Memorandum

To: City of Dacula Mayor and City Council
From: Joey Murphy, Consultant, City of Dacula
Date: November 11, 2021
Subject: Variance Case: 2022-CD-VAR-01
Existing Zoning: R-TH (Single-Family Residence Townhouse District)
Applicant: BLT Alcovy Road, LLC c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000
Owner: BLT Alcovy Road, LLC
1550 North Brown Road
Lawrenceville, Georgia 30043
(770) 232-0000
Location: 5th District, Land Lot 277

Existing Land Use and Zoning:

The subject property totals 11.48 +/- acres and is approximately 0.24 miles east of the Alcovy Road and Ewing Chapel Road intersection on the north side of Alcovy Road. In 2020, the property was rezoned to R-TH zoning classification for townhome development pursuant to CD-RZ-2020-01. The property remains vacant of any development at this time.

Existing single-family residential properties and a recently approved 277-unit single-family residential subdivision, zoned TRD (Transitional Residential District), are located west of the subject property. Alcovy Elementary, a Gwinnett County School, and a recently approved self-storage development, zoned C-3 (Central Business District and Heavy Commercial District), are across Alcovy Road to the south. Kid's Galaxy Childcare and Early Learning, zoned C-3, and the Gwinnett County Eastside Precinct neighbor to the east. The northern portion of the subject property is located adjacent to the south side of State Route 316 right-of-way.

A portion of the site has recently been condemned by GDOT for future road improvements and a modified site plan has been provided with the application package. The Submitted letter of intent indicates that the GDOT condemnation has presented a developmental hardship on the property necessitating the variance.

Variance Request and Summary:

The applicant has requested a variance to waive Section 915(A)(17) of the Dacula Zoning Resolution which provides that within the R-TH zoning district "no more than 10% of the total units may be leased by individual owners at any one time." The applicant has requested that the stated section be waived to allow a single corporate owner to own all community lots and have the ability to lease them to residents as needed.

Recommendation:

The provision in Section 915(A)(17) of the Dacula Zoning Resolution was instituted to ensure that property maintenance standards are upheld, lessen the frequency of move-ins and move-outs, and to promote community standards within an established community. The City’s Marshal’s frequently encounter property maintenance concerns. The language of Section 915(A)(17) is intended promote and encourage property ownership as a civic virtue, a path to economic advancement, and a mechanism for ensuring property maintenance and promotion of increasing property values. The text of the ordinance provides a balancing of interests by allowing for reasonable accommodation for some rental units. The code section is economically and racially neutral. The term “individual” applies to the particular owner of a lot, not to a “person” as distinct from a corporate entity. As such, staff hereby recommends that the subject variance request be **denied** as proposed.

Approved Zoning Conditions:

1. The property shall be developed in accordance with the conceptual site plan prepared by Planners and Engineers Collaborative dated June 19, 2020 and with the provided zoning conditions. Any substantial deviation from the approved conceptual plan and/or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
2. The open space shall not be subdivided, and shall be owned and maintained by a mandatory homeowners association. The deed to the mandatory homeowners association shall require that the open space be perpetually maintained.
3. The maximum number of dwelling units shall not exceed 14 buildings consisting of 84 units total.
4. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
5. The front and side façades of all dwelling units shall consist of architectural treatments of brick, stone, or stucco with fiber cement siding for the remainder of the elevation. The remainder of the structures shall be constructed of brick, stone, stucco, concrete fiber, or similar material.
6. All dwelling units shall have at least a two-car garage.
7. 5-foot wide sidewalks shall be constructed on both sides of the internal subdivision streets.
8. A 5-foot wide sidewalk shall be constructed along the entire property frontage of Alcovy Road.
9. Provide a decorative entrance feature with landscaping to include a decorative fence with stacked stone or brick along the entire property frontage of Alcovy Road. Fencing shall be wrought-iron style with stacked stone or brick columns spaced

every 30 feet. A 6-foot high landscape berm shall be provided along the entire subdivision property line fronting Alcovy Road. The berm shall have minimum 6-foot high trees planted every 15 linear feet. The tree species shall be approved by the City Administrator prior to planting. An entrance feature, landscape and fence plan along Alcovy Road shall be submitted to the City for review and approval.

10. Establish a 40-foot wide landscape strip along the western and eastern property lines (sides), and a 40-foot landscape strip along the northern property line (rear). Subject landscape strips shall include two rows of staggered evergreen trees that are 6 to 8 feet tall at the time of installation and are spaced out no further than 12 feet on center with each row. Acceptable evergreen trees to be planted are as follows: Cryptomeria, Cypress, Hollies, Southern Magnolia, and Wax Myrtles.
11. The developer shall submit the Final Plat to the City of Dacula prior to the issuance of any building permits.
12. Right-of-way reservation is required for the Sugarloaf Parkway Extension Phase 2 project.
13. A 200-foot standard deceleration lane with appropriate taper and adequate right-of-way shall be approved by Gwinnett Department of Transportation. The developer shall be limited to one curb cut. Access to Alcovy Road is required to meet the Gwinnett County Unified Development Ordinance (UDO).
14. Coordinate with the Gwinnett County Department of Transportation for the proposed access on Alcovy Road and the right-of-way reservation for the Sugarloaf Parkway Extension Phase 2 project.
15. Underground utilities shall be provided throughout the development.
16. The development shall include an amenity area with a swimming pool, cabana with restrooms, playground, and adequate parking. The cabana shall be finished to match the façades of the adjacent homes. Prior to issuance of a development permit, an amenity area plan shall be reviewed and approved by the City Administrator or his/her designee.
17. Street light service fees and maintenance are the responsibility of the mandatory homeowners association.
18. All grassed areas shall be sodded.
19. Each townhome building shall have landscape features to include, but not necessarily limited to flowerbeds, landscape trees, evergreen understory plantings and the like. Subject to review and approval by the City Administrator or his/her designee.